

## Appellate Court Sets Hearing for Stem Cell Litigation: Case challenging Prop 71 to be heard February 14th

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SAN FRANCISCO, January 18, 2007 - The California Institute for Regenerative Medicine (CIRM) announced today that oral arguments in the litigation challenging the Constitutionality of the California Stem Cell Research and Cures Act (Proposition 71) have been set by the Court of Appeal (First District) for Wednesday, February 14, 2007, at 9:00 a.m. (Pacific) (Civic Center, 350 McAllister Street in San Francisco).

Under the California Constitution, the Appellate Court must render a decision in the case within 90 days of the hearing, absent additional briefings required by the court.

Plaintiffs in the case – People’s Advocate and the National Tax Limitation Foundation (represented by the Life Legal Defense Foundation), and the California Family Bioethics Council – are appealing the decision of the Alameda County Superior Court issued April 21, 2006, which found Proposition 71 to be Constitutional and CIRM to be in full compliance with statutory requirements, accountable to the public, and subject to state government oversight.

“We are eager to see this litigation end so we can get on with our work,” said Zach W. Hall, CIRM’s President and Chief Scientific Officer. “Fortunately, because of the strong support of Governor Arnold Schwarzenegger, the leadership of our chairman, Bob Klein, and the generosity of private philanthropists, we have been able to pursue our scientific mission in spite of the lawsuit. We want to put the bond funds to work as soon as possible, so that the research that California voters overwhelmingly approved can move forward as rapidly as possible toward therapies and cures.”

If the Superior Court judgment is affirmed, the plaintiffs can appeal to the California Supreme Court. They have 40 days from the date the Appellate Court’s decision is final to file a petition for review. The California Supreme Court must decide whether to take the case within 60 days thereafter (which the court can extend to 90 days). The Supreme Court is not required to accept an appeal.

### About CIRM

Governed by the Independent Citizens Oversight Committee, CIRM was established in 2004 with the passage of Proposition 71, the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provided \$3 billion in funding for stem cell research at California universities and research institutions, was approved by California voters, and called for the establishment of an entity to make grants and provide loans for stem cell research, research facilities, and other vital research opportunities. For more information, please visit <http://www.cirm.ca.gov>.

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